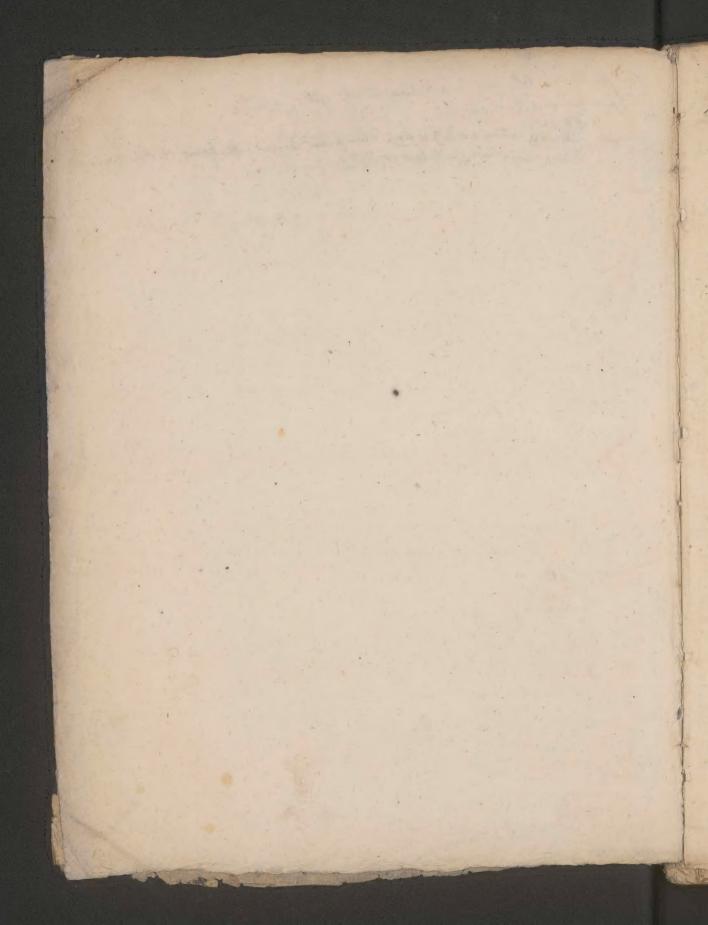
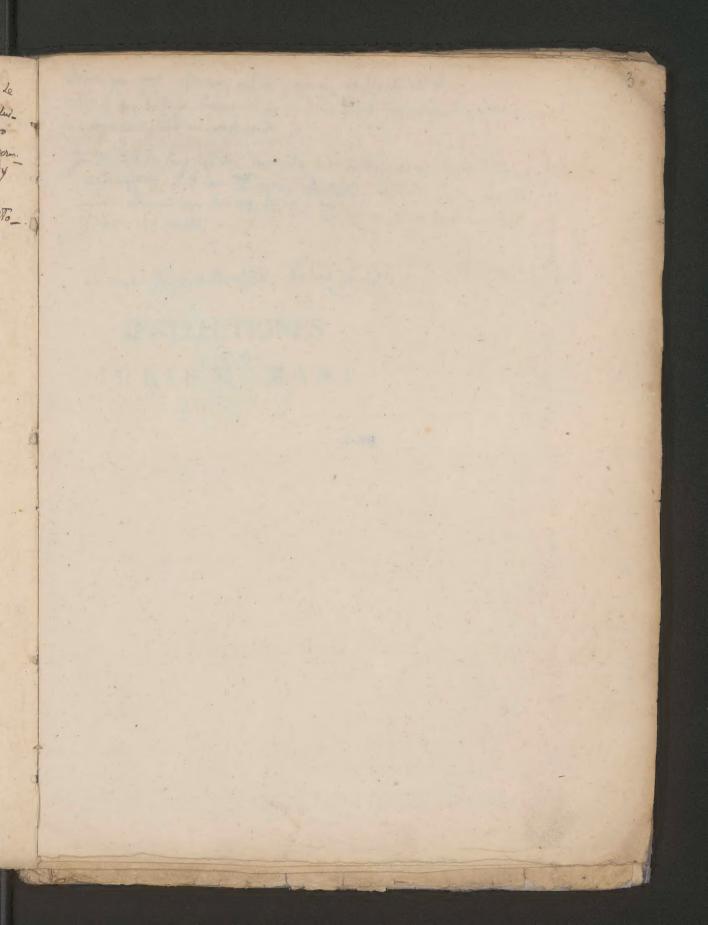
Frant. Polvobowski Antoni Sashowskii Morgan Jandii. Nocettan Dovorowskii Waleryan Kwilethi 14. 4. 2g.a. In yr. 75. I. de V.O. num de condictione in certi agatur, exponatur. Exponatur fr. q. d. de rel. cred: Verbas Catoris E. 11. d. J. de adopt. chain fervum adoptai julle, Gelling . N. All. V. 19. addipur

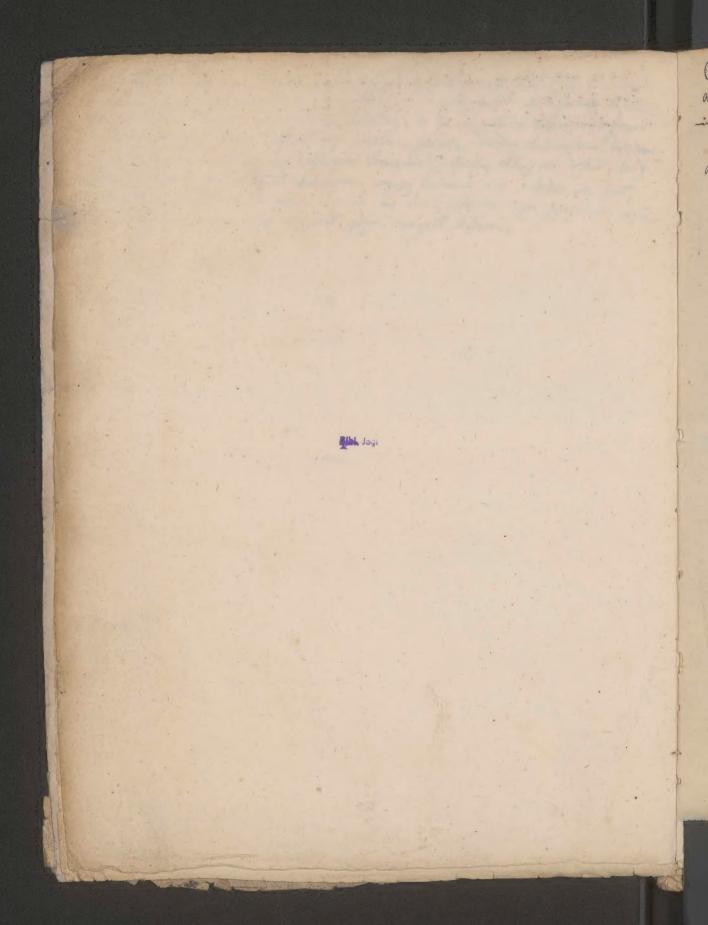


Abrès sharq (concervantie artioneur) nassequire 1, rbig flag w lennas nathefumai more, liety of he pewna hilla flag ma, also wrapedem iegones open luk nyterdem hiller ofol. sogieting my. hho ma in Lewish whi proft. ma Zahre, De sei virdriah. hyjagahi a) blo vryma acculatio falfi mere une querell. mullilat. lev ine inoff. 6) ble wywa accuf. Lalfo lub querel inoff. me nure querel nulihat. 2, ble plany i bryma nie åhe iv refur dere fam obieht, ginie flage aykedem abiekter begor, nelerejæg z pomodn innego n.p. ble me iv refur læting, nie more flag. 2, ble merige I wa youlder de phenerie ughere ieden, nie me vigier zy born Me huto prano nakarnie, re obligar la lub ona po miespinia spazi ajonie,
nie moni iedralo lezo prano, rely pry vanoney akolicrnocui nie urstro. 5, flager nie ozniraiges ing na formalnimi, lub na douvrdach p la driego odrnumi una, sylho iego do nafor odnimona. 6, ineli pomod ranied ba provead renia grany a for muty na bear change, nie beho i podobney medeny This aut C. M. p. 146.199.

of 283. * Milliony mp. Vinnius, Lachards, portug fr. 11. E. 1. D. Se P. M. fi inter le et vicinium lum von vouvent, as quam abbitudinam extolli diffico, qual fasce inflitudinam fli, operleat, arbitum accipere poderis; swientas; re fervisor, allies bollendi, ieft prawo budonamie wyrey, choriertym rattorit iego vindohoni, pornewaz dannies budria cemu mi, som. lit na fast arbitra, briory i vep nafle promo oboingruie (?). fervilus allies non botkuti, kiedy budria cemu mine nie rabamat budriacemu wyrey budowai ani arbitra nie bratt praw, re nyrey budowai nie chie; poniewaz Lym propolem rafto nitory nidoloni mema, vego nie chieat, gdym ranguat budowai.

Bibl. Jag.





Omne jus gow ulimur, vel at perfonas perlinet, vel at us, vel at an admines p. 3. I. Just Telpianus fr. 41. D. de degit. Talam jus conjejtih aut in adquirendo, aut in confervando.

Ju III. ind II. bing ift din Mulgodn dan Jufliduzionen Zufterindig windomfürig, and dan Thomphur Dagueffeau minetys fin Loudsmont domat om din Hulle dub Zirkonian (Centres J. I. p. 275)

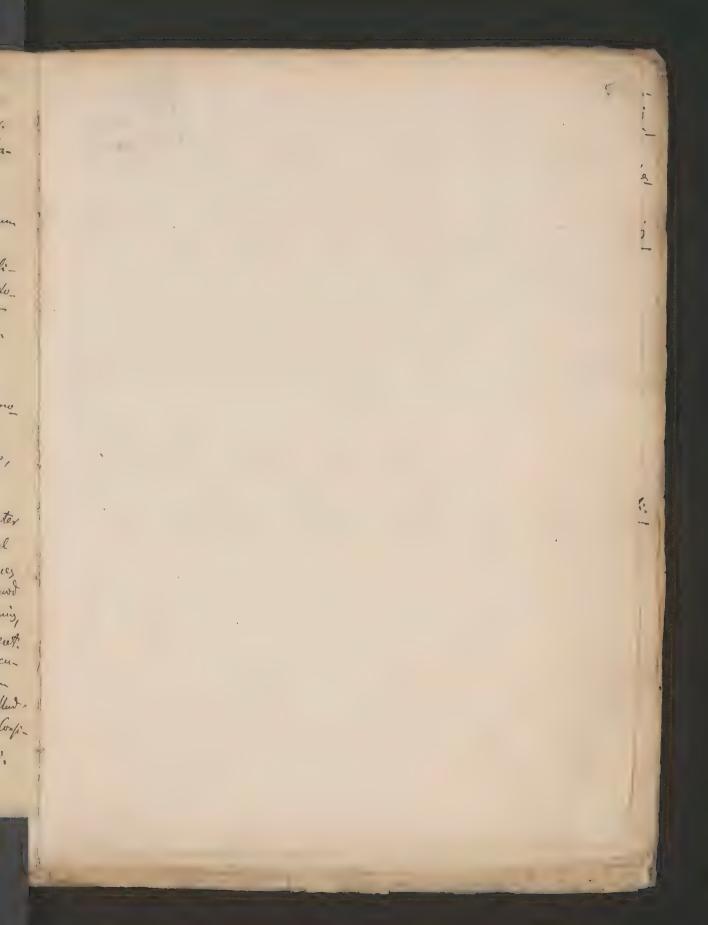
Romes Jafly Ludioniska; bonus Juriska.

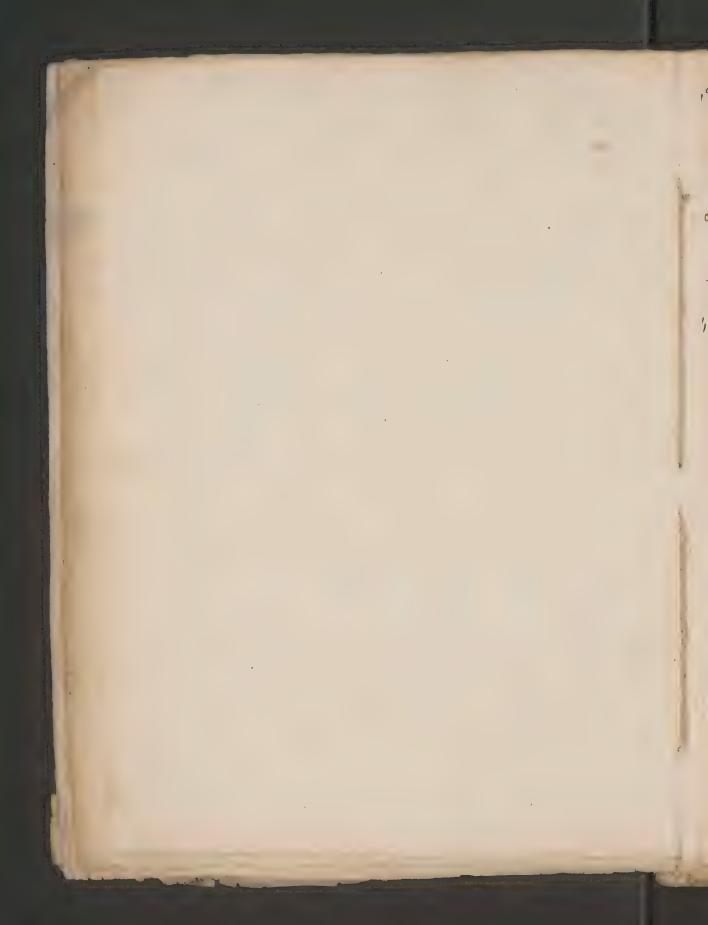
INSTITUTIONES JURIS ROMANI

Jupiluliones Jupiniani in Carmen contracta, autore y Honorato Dracone J.C. in upun phudiofa juventulis denus edisa a Joh Henr. Falckners fyndiw et Anher. Ozafileenf: 1784. 176. T. (12. grz). Ba-Jel b. Decker.

Publica judicia non omnino, fed ginbardam lantum conveniunt cum privalis. Character criminum publicorum est, quod leze speciali, Languam publica funt notala, grodque para Respublica adplication différent populaces autiones, quod ci viles funt et to-renter, ex quibos palses cedil autori. Alia que que funt ci mina extraordinaria in quibre accupanti poleglas non cui libet compelit, led illis and gues ea res pertinet. Cojulatie funt, ex quibres vila, likerlaking aut civilalis difpendim feguiler. Relig womm pone of fushin admo vidio, flegellorum aut virgamm cashigatio, membri angulatio, shignalis implio, opus publicem, relegatio, Dignilatis avenglie, selegat nel mulite permiena. 1 judicium majepatis. Deb occupater republi invaluit dipin dio inter erimen perduellionis, que quis hopfeli animo advertures Republi nel Vincipen animalos est quothea humiliones besting obiecti, honestiones gladis punili. Perduellionis crimen mulla habet pingularis afgust nous non hypeler by filis auferler koma patrie et Lower'les oning, in fewer'lakem principis, at wanter lifeworum ami dores kyr, redbeut.

1 fufficit workers et feeleis voluntas. If admittanter persone accum fonde incapares et mille signiles hornendis eximiler. It filendein evrum denique punitur, qui eniminis fular modifica hakenles, illus non delulerant y applicature est aimen majestates ad yllustres, loop: Therianos et Senchores polo Arcadio opera Endropes Eumente.





Adalleni pena capitalis eff, fed aute Anguspun filia patri, adaltra ma-nilo relinquebahur. Conflartinus gladii ponam di Lavit, Jeptinianus in mapuhi capitis popplicion retinuit sed mulientre verbera Decahralioneur et Dedur-fionem in monesper in dictarit. - Muliebris patrichia scello, a belli Puri se securiti tempurity mulile Decem mittiri, bye Scalina vindicata lux Imas Chi Dini Waterin in Dilui Marini in the lux. Josep Christie in flamis vindiches Mus expian voluent; de l'e valla legem talit de biccairo, fine de homicidio; pulna fuit afaquel et igno interdidio 1/ edian qui cum selis ambulahat, occidendi caufa, legis erat reus efchiam um homo veneno occidibur, let per artes megicas. Decemvini plalue unt ponam de parricivis c'ullei. Hadrianus, jubs mare proxinum. non effet vivicomburium irrogavit. ', dui falfi lespin. convidus es fato Tarpeio dejuebalur De vi fuerunt leder lex Plante et Juine, qui acl aun lele ambalavent, lich non occidendi campa. Adverps, raptores viginum vel vidueum. Crimina publica non capa'lahé punt 1, peularus Luchem plumid publice vel fikalis. 2, plazium, your cavet pienam purrepli hominis 3, ambilus, adverfus ever qui pennia elam corrumperent fufficesse jusquelis saprinis magistralement, ner minus de crimine frances annond.

F Charakter procesary Strymphier Santo ing rorm of nowfrych processoftw. Napladuing go 1, hover francurki prer ufransvienie festion policie 2, te braie girie igt ufrans. wiony fast spryfig glych, give florains in albo ratalwic interest, nie porwalaigs Gerenin ia sprawy valey, albo sam lad myrolings opinies swiez vais surnai la som myrfrym. Posoone in phyluta my para juneplinies lyn navoom nasladowai, élore mais niciales wavvonez chejé de pieniaciwa, n. p. Alen'ny lovie, Drymianie i my Volany. He very ter furejoling w high brains nefty byt urywany zury. vaj obievania arbition, orghi byty verfte i /2 Compromissa Jereli res i lo nie /womento a prawa reurste ifor Kormaline, nie obowigrany byt ofharrong natychmiagh plawar weather, leve cowley odwat powodow puer palis da lis crehai momenta dopolici ing nie upanieta. Mosti dyni napem driatar projeciele spirit in Dopiero iereli to why plaw nie pomorto fola proma povim trybem.

A promiey da nieloici interesson sogdit seglia de jura : facto . Noprawach de jura mujest us tryman litry prawa c. 14. C. de Judic. Wyprawach de facto fastit porting prego dania xv. 1. f. 4. S. ad Ma.

Electur imperium haisabet. Iken imperio continebantur que es lege Porna. Tina, in movincio rapportur. Gaing

5.3. alia logitimo contifet i indicem reincere et elevare.

+ 5.3. alia logitimo contifet indicio alia imperio consinato. Heiro. niema nic o sem leur Gaint

- Tin evant indicio que regimno inticio consissionent, alia que in serio ominescentur. alegidina indicia que in - unbe Roma vel intra primum urbis Roma milliarium, inder omnes cives Romanos lub uno indice accipichantur, que nife anno et les mentibus judicate lucint, exprirabant, noque lege Julia confliculum tuit. Imperio vero continebantur recuperatoria, el que lub mod uno invier acci richantur inherveriente peregnini perfona han inviere acci richantur inherveriente peregnini perfona han inviere acci richantur. Len internatori que un serio contineiro di cebantur, quia dan din valebant, quan din is qui en moderatori. t massivatur in issociacem normunquam aling manare, vel universam, vel intern partem. Non dicetatur ins nife Tiebus popus, al guos perhimbant en xeria. Lanciam vero victus faftis copiam

pui faitebat Brotor: variis damen aises diebus varii uitus ne alfebantin a protore un palet ex fr. 2. 5.1.2.D. quis ordo in well.

8.4. inivia costin. qui habebant. Hein. IV. 17. 8.1-6. 19-22- Heiner. IV. 17. 8.7.-19.

In inivia ordinariis investigutant rem, nel musices, vel arischi, vel recuperatores. Jusices inbantur

5.2. in Dicia EXTYDUY quamo haben noter.

Heim . IV 6.8.1-

113 Sta vego jus adionum, powinno joydi na poventhiu nykta-217 Par Ima de june actionum PROEMIU Just. 18. 11. 6:42.13 _ 16. Gains 11.3.1-68 14.00.-102.4.103 quos et guomoto in rusicio agelatur Do judiviso privatio 1. -uson ad fin. Judicia privata versantur circa res in jure sive judicio defendendas. Agebatur judicio coram magistratu, qui operam dahat tam ipsi juri enucleando quam sententia sua ei confirmando. Illud fiebat a Magistratu; hoc ab illis, quibus adie, magine. id peragendum mandahat. Judiciis vacabant nim svar. olim Reges, dein Consules, rostea vero Praeto-En res cum judicibus. Ordo judiciorum ipsaque w prewincyan Dica judicia erant vel ordinaria vel extra rdinaria. messues, pue-Tener Lxtraordinarie decidebat Proetor de re propo- confulez. modersita, cum causa apparuit non perplexa. Si ve- A rale de hober to factum rei investigandum fuit, consenticutibus rary durate poter partibus judicem dabat, (Hugo R. RGesch S. 146) o to give juris. tem Weumque instruebat quomodo id investigaturus esset, et reum damnare ei concedebat si id visum fuerit. T Utrum antiquissimis temporibus l'dong, I. ita se res habuerit ignoramus. Nec minus in- 26.149. a) De judiciis privatis optime omnium egit Carolus Sigonius, quem, etsi post tot saecula praeterlepsa, ne no Uwaga rtien adeaquavit. Sperare licet a clariss. Unte hilar ro id zenta Hewelfactum iri, qui a multis annis hac re occupatur (cf. Saberthiego, novigny Zeitschrift T. I. p. 251. nota 3.). Le Erba, na Elichi habema evat valis, et infing is no hicepinavorale Bane tur, negoti, relletire inicem tare, an model extra Thisaut. ordinen, indicare poster Heinen. 11. 6. 2. D. Tel no histomatival is stone wantebat loquilles so liberar . Tibebat on him quinger continue en su quing; " une F Erat en centamoirale inficient, un ipp and y justor una une desenvisio pracerat, gind Justing hapis avaising exercevatur, affichant una et housevatorest debant & acera pro Zull. 6.

Luce.

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Bouh pry lava miezeca Lassa, Way wyonina ir w prawach numy wrmianka iest asbilis leve pystonia ory by the Lessus Sobre to onigree

certa sunt quae de hac re in legibus XII. Tah.

occurrent (Hugo I. c. nota 2).

Olim experiebantur homines judicio apud Bamanes hee mode: actor in jus reum voca-6.5. qui et quo- bat Equi statim sequi eum debuit Ni id factum est. obtestabatur actor set si calvere pedemve struea quid per legerre reum conspexit, manum in eum jaciebat (Huhave wyld. go l. c. J. 147. nota 2.); nec excusabatur reus morbo, quin in judicium vocaretur (Gellius No. IV. 6.8.14. IV. Atl. XX. 1.). Liquit autem priusquam inirent 11. 8.1-5. judicium pacisci, tam actori quam reo (Hugo 1. o. nota 4.). Non licebat iudicato manum sihi depellere et pro se lege agere, sed vindicem dare qui pro se causam ageret: qui vindicem non dahat, domum ducebatur ab actore, et vin--cichatur (Gail Comm. IV. 21.). T

Charles o nierutioner,

Agior autem in june val actione vel vin whether, me dicatione (Hugo I. c. S. 148. Savigny in Zeitschrift Tomo III. b. 421.) Lites ex obligation nibus or ae dirimehantur actionibus reliqua veno amnia vindicationibus. E Litis vindiciarum jam in legibus XII. Tab. mentio occurrit. Rei instruendae praetor operam dabat, partim ut rem ipsam de qua agebatur, partim ut factum rei cognosceret. Lite mota de fundo, persaepe ipse praetor in fundum ibat, ut videret de quanam re agatur. Saepe solus actor inibat fundum et ablatam inde glebam in ju-

A vel aum exceptione vet find ex epliane. Ly bantur a metoribus in wife, in provincia vero a prafile. Non timbet intitum remere indicipaje inta effet excupanti caria. Albi le consulerat juder in porum jurabat ex lege le initiaturum . i invex aiellet, leg liligatorium vers aller le hand toperet, we are in ham adjerret exufalinem, lune abjent Didis cilabetur. Ador inilio pelebat etidum primum, jup dies Decem allerum, Tenique im petrabat peremplorium: quod lamen non feman offerva order. vo Heinercius IV. 14.6.4. - Prefentes

I miorialissie moreffe a brymiene, to godnen morage into : E doludie, very moier albo mer vindicalio; albo p condiclio, albo p achio. Monio uyuda I. o nindyla-. Wit in phylicials along process anywat water na ich mingte 4. 6. Ageletter in indicio vel a/ per vindicat. Hemes. 14. 6. 3. 24-25. i mil Heinew-14.10. 8.1-7. invaluat utrigue livigantes, judepantur invare calumniam it que infra): inm just funt national dicore, il mod cabies toint alker Jutigne leigenter, jugepanner more curant propositioner, en un juge punt namong orane, it suit asons laint vistas. Prime enim them and more exponepant, rem Tournentis probables. Terres and else more serve initiaries but. I suit about this campa hepert, non proposition probables to the non toquere, human especialm non ext. —
Arbiti in actionibus arbitraring prim on arbitraria d'abaut, leinte, nife pariettet reus, terebant, en can lens fie; usueu ches reamine intermiserant, quantum in is a effet juratum.

(Équiv IV. 21. iam difirmes, vindicem non hum in in ins vora cionem, quam ad cam legis culionem, que pen manus iniculionem fiebah, un linuiffe, si quidem non licuit indicato manum libi de cellere ch pro se lege agene et vinter d'andres qui su cutte re commun agenet: que son tato ille domain ducebalur ab autore et vinte de sonain de pretorum. Hemesc. IV. 6.4.15-10. hand franchis chiam in spay haberetur, quemquam de domo un in gir source (ideso pro domo 19). di quis lamen dieling la libarch donni, achor in ejis bona mitteleatur a pretore. Jai in saglus debiels di mitti (fo quis vel jus personam descendirels, vel si sum in ins ibatur, essel bransactum. Luchi horane nihil jarlem juifel in in venire polepart, who astor, impetrate bequest polepale, exchalade nem. His plenning who bebuten in advocators, and in cas colon remisore where tolerate surfam " of allerater non where arvocalum, juster hoat in eventa actione maxima athe kenta eran ap entre crutio, quia fi sel cius iniciaione hia omnie recetur, quam ad cum, perlinebat, vel in avlione recilanda aberraret, menlemoz, lingues procurreret, cause Makin caderet. Lum celor va. af elen seum, it egn, vales fine groupes celetat, conferer, xoro, out certo die, le in une jeplece to flower to hunt in movem nadimonio, accepting profon bus a une diferbebaher, reura nel de mangarlière asgilabat, nel ad contendent pe rara bat in resentinum. Trè ornerendine ave lon actores cova, cer adrenquem ailani infestat. Theur deferens vadi morium a defat whem, et puetor; jugginlante autore, ex esido intelat eins bone populais: C1 quid per conft. primip. Heiners. [v.b. 14. et Heinen - W. 6.4.30. W. 6.4.26.

* Low lempore velug in jus vocalio exoleveir, certe non conflat: observabatur polica li is Genencialio et foleans Similim ung mir Det als brushingur vin frontling un no so ving gudus ex propulo 1872.

Touch Prench Opring. p. 62.)

F The might about boyde lite promationy to Pake, also of fin using somiony may to prince and ingle influentes as agentum. I hadrine positionar musical bobie obmedie pationa except agis effet improbes, intepatibis. che. I Heros pulabatur quenquam de doma fua, in in ragere, l'adverfaint isahur fui vojuam non saciebat, actume in bona ejus mitti folekat, rage 30. drem diphahenda Kr. 19. D. de in jus vocat Cujac. Obj. X.10. In wilne res' byto boyavtywai so r domu, an producuto na relies. Nie churait wide, wormy de bramy frui, fuchaige aforatorai puna domu de ie/s requirement, (Green por some 42. fr. 10. 8. Se in jus voyani. e pen e ageve, win -14<u>C.,</u> 22.). Ebrais ich byto w polse is hariniene War me to neglemento mer pring newie Saléhabre una Horat. Latyr. I.q. inx.) Larlis nt. holinie ne lies igher radiciones. worms ranguat ignie mer adhi. un, Sein Hervier namarasu hare memorna lytera redulacióno na markoto lyive, the neps another (Gelling) to land w plakerie the W. hata racognosis.

byte w dwirt notation of layer de manu in aliane Hiptor. p. 73. moid.

wai, ber wormego. To mey ra crafino Honoryufra (c. 3. C. XIII. 53 c. 3. C. XIII. 39) muriat ford eare 4. Etal Ituga bydown (opparidor exfecutor) strieny just rocharami Regenta Byredy ugy (Primiferia 14.6.14. nius) de fagte og Lowar ustrie, a na horier byte afanowienen se nill nie igt -16. obouranany de laste plange ble nie ma mermania of lighiege (Hood & de judicies 1. 45.). Co vige Tawniey byto in jus vocalio, levar narywate is citalio. Jahi pracing nafa byt w plawiony operaronemu, my chie raptacia, lub proveff provadic Tawniey i nie wiedomo. Jupyman (Novell. 53. caje. 3) appanoint: re of wrene nia porum Cliper conventionis) por raptacenia provan fiportala mais ils rachowal 20. Sni Dane to nemy eta. Jeseli es nie leuning broni oflasrony, re lein Jamen urnais sig byde ainnem & In napheymie of 221. Lug 222. 6451

to byth format not misure in appear, a monie maney re Murena. Nasmiewa ing it bear nie reden giborof 2 for malsweri powari uzelo, nie permagne ungrand to the respective prouve ungranding homie omie for potrebnemi le grut poware prouve interes la potrebnemi le grut po nariejum ungrie nie super salvier sationem. I tako minit rappropriato i utrogomia so topice, re vola soliniam pha so mine nater. Popuradot previonale i rige sprobrey cie re mna prouvoire (manus corfore). do late sprevionis uzelo propreve cie re mna prouvoire (manus corfore). do late sprevionis uzelo proprem uzelo mieli. Bo urbaranes formula mello preturi primeture i proprepara in o nia utrizanie (suis que super suis o nia utrizanie (suis que super super interes in primeture) possespuy in successo in mieli randoman si con interes in pretur ur pretut in judezo interes in primeturi ura cagia: (redite viamo) postespuyare son sonestrorii, odprimi ura cagia: (redite viamo) primeturi uradopolini.

F (Varro p. 29. v. 30).

G.

dicium adferebat. Actor et reus abientes redeuntesque in judicium, putabantur obsservasse formas lege praescriptas. Quapropter fiehat nt cum advenissent in judicium, jam tenerent glebam manu, atque in ipso judicio inirent ac redirent viam, simulantes se in fundum ambulare et reambulare. (Cicero pro Muraena cap 12.) Nonnunquam actor et reus vi imaginaria utebantur, manusque conserebant. Quo peracto praetor eousque possidentem jubebat esse in possessione, donec rem introspexerit 2). Quo tem-

a) Classicus de hae re locus est apud Gaium Comment. IV. 16 -- 17. qui dicit: Si in rem agebatur, mobilia ruchome neny i quidem et moventia, quae modo in jus adferri addu- ayuvothe cive possent, in jure vindicabantur ad hunc modum: qui vindicabat festucom tenebat, deinde ipsam rem ap- ten Way vreny prehendehat, velut hominem, et ita dicebat: hunc ego weg wiffuli wat hominem ex jure Quiritium meum esse ajo secundum taymaing big suam causam, sicut dixi; ecce tibi vindictam impo- hofe mit fortage rius eadem similiter dicebat et faciebat. cum aterque france vindicasset, Praetor dicebat: mittita ambo hominem. | illi mittebant. qui prior vindicaverat, ita alterum in- curi nie ma/z terrogabat: postulo, anne dicas, qua ex causa vindi- unes proportingo caveris. ille respondebat, sicut vindictam imposui. deinde qui prior vindicaverat, dicebat: quando tu inju- Thurs want ria vindicavisti, D. aeris sacramento te provoco. ad- province wom versarius quoque dicebat: similiter ego te. deinde se-7 quebantur quaecunque in personam agerentur. postea Praetor secundumi alterum eorum vindicias dicebat, id min est, interim aliquem possessorem constituebat, eumque na dowod se jubebat praedes adversario dare litis et vindiciarum, nu mamaure li ure id est rei et fructuum: alios autem praedes ipse Praetor ab utroque accipiebat/sacramenti, quod id in publicum

wyriey wired real

trulinietz region ere y's flavort

Ini pewrym bedage the 2 mili pregre.

v. 30).

29 -

pore omnia haec in desuetudinem ahierint non constat; scimus tamen seriori tempore idem significasse actionem ac vindicationem. Vindicatio hereditatis appellabatur hereditatis petitio (Cicero in Verrem I. 45).

Vindicationi simile fuit Liberale judicium, si vel ipse servus liberum se esse contendebat, vel alius quispiam servum meum liberum esse dicebat. Si cognoveram pro libero homine aliquem se gerere, cum meus servus natus erat, hominem in servitutem vindicabam; quo casu aderat alius quivis, qui servum in libertatem adserebat. Praetor secundum libertatem vindicias dabat donec rem introspexerit (cf. Dissert. nostra de vita Decii p. 68. 69.).

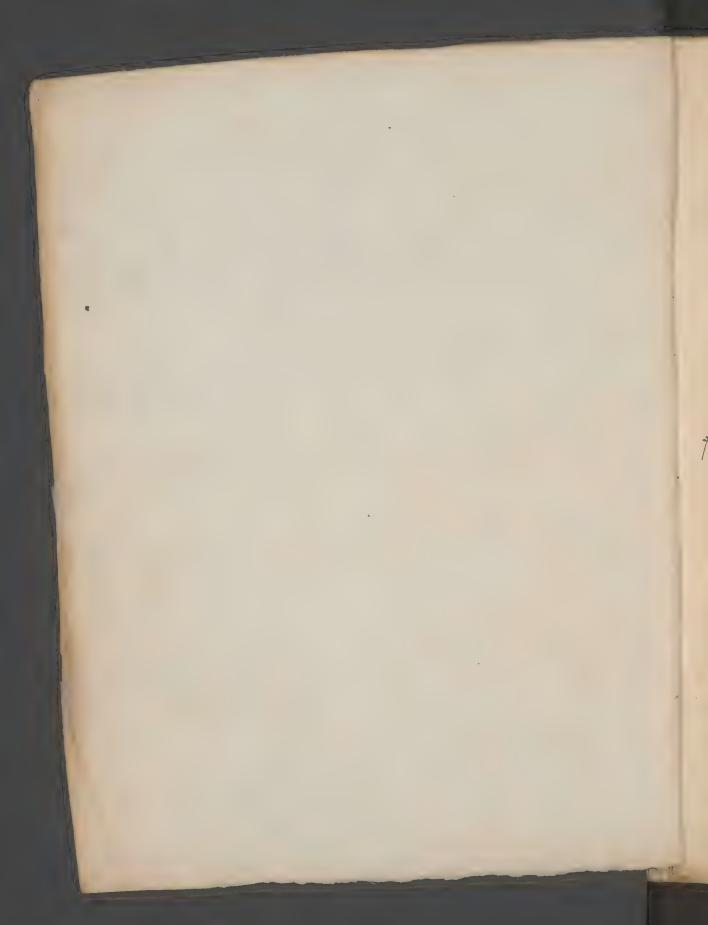
cedebat. festuca autem utebantur, quasi hastae loco, signo quodam' justi dominii; maxime enim sua esse credebant quae ex hoste cepissent: unde in centum viralibus judiciis hasta praeponitur. Si qua res talis erat, ut non sine incommodo posset in jus adduci, velut si columna, aut, grex alicujus pecoris esset, pars aliqua inde sumebatur: dein in eam partem quasi in totam rem praesentem, fiebat vindicatio. itaque ex grege vel una ovis aut capra in jus adducebatur, vel etiam pilus inde sumebatur. ex nave vero et columna aliqua pars defrigebatur. similiter si de fundo, vel de aedibus, sive de hereditate controversia erat, pars aliqua inde sumebatur et in jus adferebatur, et in eam partem perinde atque in totam rem praesentem fiebat vindicatio: velut ex fundo gleba sumebatur, et ex aedibus tegula (cf. auctores a Goeschenio ad h. l. laudati).

FV

\$ sul

* vel uh in Jugl. 5.14. 96 Ach. achis projudicialis.

‡ usió preciudicialis Tabatur sauces quaque le parte agnosario: "ais mulièrem hans ex te pregnanton esse. "Nequete alsero, lequebasur more conjucto sanvio y no esta fil ". Heineccing IV. 6. 5. 30.



Muliate vigt no Reporar Symbolione projectofrere ince folio very, musiat dollare eig 15 fulreffyi lub co podobnejo. Porniey opaty dictataria le symbolione, a neglaty fame formuly her fymbolion, Whorgeh siz opero trymano. Od vrycia lalvey formuly releate to working sprawy. Malionie: lo uplato ra Walendyniana: Congrandyna c. 1. C. Se formul. Jublat.

The my priming that having pregut frames, gradeto to during me Thortes priming do place ato in opharoneme, but mouries apolice stronge. precioney (gain 14.5.13.).

6/22 2.6.) per condid. Heinec. 14-6. 4.31.33. 14. 16/19 22.

byto byto and vindicalio, and condicio, byto actio. 2. is plange taken, pour blood backward breken byto byto byto and vindical breken to predenty; agere: lego nie potreka byto w condicio, boly byto ide mour Gains IV. in initial microaraise by nay mice na my moratio inscrimation florywat go, bo byto ide mour Gains IV. prawo, re: tre opracre. To rowing and landers for so. 3. de rei vindi. My profes the D. de reb. cred! Jurio chr. nie whethe wife my advante rate condiciones in opolype for it with my polype polype postudio my extension 2 m. 17. E. 2. py. 24. d. de wordshe my new dera Gotha; live as i contilients generales, indice & Mr. 14. C. 2. py. Millie wint wordshiones a indicay when it is livery generales, indice with y my Millie wint wordshiones a indicay when it is livery generales, indice winter a livery somewhat is a moral flow winter a livery wordship with the livery somewhat is a moral flow winter a livery wordship with the livery somewhat is a moral flow winter a livery wordship with a moral flow winter and with a major with a livery wordship with a moral flow the livery with a livery with the livery with livery wit

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(Le tribut y dia seron strong nievas much suprovinitiva kormainego, sutaprea golic othersony seun segonal re sig lak ver me ich most most in igo mor wham an earlie newment ray mor in stypic (veto, exter I (m) at a com a come maximum inderedebat diference. In gulerdiches puetor formulam in edicto jam propopilam rogante allevullra parte flatim edich et exceptionibus Gemun a reo interpolitis res al judicem pervenit; in actionibus novam plane formulam specia li cauje accomodatam confeit, et judicem conftiluit, qui formulam fecutus ab eo con ceptam cognosceret et judicaret, Tveluli: si paret sundum Capenatem l' Servilii este, nise aderant extraordinaria cognisiones, ubi protor ippe judicabat. Bickell. p 17.10. Raliv ne ordinis itage et solennisakis et executionis maxime differebaut producta et actiones, fed in with effecties nullum tere builte diferimen Cajarius jam becalenden opiendit Objerv. V. 14. Luanguam Julerdicha, guum velociosi curpu kraitantur, majorem uliki-tatem mabere videntur guam autiones: sopius tamen ratione sorma minorem ulikitatem probere poterat, que sendih Aggenus "Arbicus (and Cijar. Obj. V. 12) hisce verbis monendo eos, qui flasin ad gulerdicta lele converbunt: Magna est alea lihem ad Inherdichum Lei viere, cujus executio serplexiffina est ; el alpianus (fr. 3.5.2. D. ne vis Lest ei ch.) mulièrem, que présentito de ventre in possessionem mittendo uli vo lebat, in xaitum polius actionem instituere admonet. Bidell p 19.20. — led omnia hot, quoniam ipsa in judicio Momano agendi forma nondum salis est explicato, admoram observa sent. — lo me inin ... judicior : amiento, in in meliones in xandam ex caya interditaram sull. J. de gulerd. affirmatio rei, trasmano gura à interesa tive insuposis valois positivars whyplas redulais sie, me

Rinicate fr. 179. I. de V. J. fr. M. evi. "in duche "which fritio sely Notice of the combilio de en guest certo low (Gant p 72 fig.), be no to Toward which achie areby to were dry in most winy.

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4. 7. estra ordinem cagnoscebat practor afrei in whopionem mittenio Heinece. I. 17. c. 11.

Solebat nonnunquam practor donce omnia tymulour ad finem perduxerit ita rem interim dirimere, wiffmyst. ut reum in possessionem vel bonorum vel rei mitteret, fquod extra ordinem fiebat (Hugo l. c. 6. 269). Nonnunquam, si id res poscebat, in integrum restituebat sive actorem sive reum, quod tamen raro accidere/solebat (Hugo I. c. 6. 270.). Nonnunquam interdicebat vel actori vel reo, praesertim si de fundo res agehatur', sive praecipiebat quid agere in praesens debeant, donec in judicio ordinario litem diremerit; hoc appellabatur Interdictum. + Dividebantur byvel gwlorit-Interdicta 1. in restitutoria, exhibitoria, et promare 10. 19. 4. hibitoria (Gaius in Com. IV 140.) 2. in adipitationale, retinendat, recuperandae possessionis (Gaius in Com. IV: 143.) 3. in simplicia et dupliciaf (Gains in Comment IV. 1/7-161). Loco actionis dahat nonnuntuum praetor actori condictionem tune semper fere, cum res de obligationibus agebatur vel, ut Gaius Comment. IV. 5.) sit cum contende at dari / fierive /a red sibi opportere. Manca sant omnia quae/de gondietione soimus; vera tamen quae in Jostil. 15. 15. de actionib.) legimus, condictioner a desantia considere en haret adversario ut ad judicent capierdum die wised lingua tione nomen trahere, cuny cliny actor deputy demunicare XXX. astesset (cf. Gaii/Comment. IV. 181. = for to nie you His consideratis videmus, practoris fine co- Julis &

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1 quibre meler 222 What gnoscere vel decernere, judicis vero judicare. Eadem ratione judicabatur in provinciis a prae-Dr. 36. sidibus qui ad judicia habenda conventus instituebant. In urbe exercebant judicium etiam Centymvirix licet hucusque ignoremus, de iime so-Aum rebus quas Cicero (de Orat. I. 38.) enumerat, an de ali s etiam judicaverint. Tam praetoribus et praesidibus in provinciis, quam in urbe Centumviris, praesto erant Recuperatores, quos ed differre a judicibus puto, quod darentur, ut quam primum res judicaretur (cf. Auctores quos citat Hugo 1. 1. S. 265.). Hoc etiam sub Imperatoribus obtinuisse videtur cum in Digestis sacpe mentio occurrat extraordinariorum judiciorum et cognitionum (cf. Digest. De Extraord. Cognit.). Flustinianus hanc differentiam sustulit, statuitque ut omnia judicia extra ordinem, id est ab ipso Magistratu, cognoscerentur (cf. §. 8. Inst. de Interdict.). A tempore Constantini M. appellahatur quisque Magistratus judex ordinarius. TOrdo autem judiciorum hoc modo institutus fuit: damnatus a defensore urbis invocabat auxilium, sive provocabat ad praesidem pro-OY vinciae; la quo cum repudium tulisset, apud superiorem magistratum et denique apud Imperatorem auxilium quaerchat. Ex sententia principis decidebant viri in consistorio principi adsidentes. W rdaniah wa jeti myel, grie dawniey vor Angali Centumini, nie mydawat fedria myrolu; Jawat Lyllo retatio also confultatio do paning ugo, Elion farmes wellinger. fr. 1. 8. 1. 2. D. 49. 1. 4x. 3. D. 49. 4. - M nay, nauch: Lam gorie obourgruie grave Dr , ma fam latia vortinggrage.

4. Q. Te his qui in provincia judicia exensbout teinen. W. 6.4.39.

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4.9. ordo indicior. privator. cum extraordin. won. committur pob gruperativit. Heiners. IV. 6.4.9.
Tibunianus ex libris ad Salinum et elictum; qui de judiciis egere saijutis (nil
vel pama admodum in landertor recepit,
quigge cum. for tengune in defuetuit nen
abillent (le Weyhe p. 37.)

at adjefforibus diffinguend pent comiles profis is thombali and themer I. 4.5. 109 Epipendium Tecrevit Alexander Japerator them magicaratus in nevinius revent insidictionen mendare. Provides in novincing astis anni demovibus convention fine korum indicebant; id est lenguas et ivan Firinguendorum negotiorum, unde oppida Sein esta punti-Recuperatores in provinciis codem manere quali punt, que Cerlimoin Rome Hambold ad Heinect. IV. 6. E. 39.

I Tym wyroren Jornanali Prymianie miestre wfrellie, godie retout ledowni shwo swoie justang na provin up a unashisto ?,
pormies provinces upsata harda province na oddiati
lalie, so miezu ledogus przne rzwat ia Ungdiati
bistero sprang, najoprationo in provincio atistoant officios, quibus ordinamium; # nypomnist gains wypey re w fadouls centum vivalnysto, w crafie ich odbywa. ni siez alluvionas ropeata rita. Volpominiat form re Frida ornamata prawo ze rdobycia very na nie pryjaciela wypilociaje, co przejolniej dowodzie miato abfolulnozy wta erosi Brymiant. Wnofie by flazo morno re Centumoirowie nie logisli fyrowy zysto rachodajuje o wta erosi między Jamenii Brymia. mie logbieli ffrany Lego rodrain, ghie iig ffrançam, ory equitor more propulai odmianez nami, a forany lego rodrain, ghie iig ffrançam, ory equitor more propulai odmianez weintym pravie Ar. ialiegololoielo propulation. Awin Lil. Just. 11.2. I N't who mapat sie purest shoringi Leg Julia jud'ia ria Hist. p. 104. Mu 10.

4.5. 10g.

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F nie mere wiet nie wolish za pana.

T fottpywem nier eigh romie hydro, blo my preer Jus actionum arrumicios
Teoryon prureffu (Hugo Cirlist M. IV. 10.11. Marcroll.) (megilines iereli
just eyen nyrarem rominie is Teoryon proeff Lormaliie, nie materyalnie. - Wangan
o) in rem in personam Heineu. W.
6.8.26.

† n.p. flarez jufiadaia jego neve, poniewers ieft mois; nebyt is od lugu innego. Golfy waryanywat re ieft ieg mtaxii welem, by taly culio in perforam.

C A P U T II. quomo do actor agebot que. Actiones que mode dividerentur.

5. 1. aulio quie et que mode dividiler Heinen. IV. 6. 5. 23, 22. Actio est jus persequendi in judicio quod nobis debetur. Actionem instituere non potest cui jus eam instituendi deest, vel cujus non est jus laesum. Jus actionis itaque idem est quod jus obligationis, sive id ex Contractu sive ex Maleficio ortum est. TEst autem actio:

. 1. Vel in rem, vel in personam (S. 1. Inst. de actionib. Gaii Comment. IV. 1.). Actio in his sig lilo personam est, cam intendimus, dare, facere, robonarat; praestare nobis oportere; in personam itaque actio est, quoties jus meum ex obligatione contracia a debitore laesum est. Actio in rem, quo liely very nie ries ipso facto lassum est est jus meum et quoties ren ne ofobie obligata lit res quae olim non fuerat. Actio in igo prawa po personam nititur obligatione; actionis vero in pulcul; rem ratio vel in jure ad rem vel in jure ad hereditatem vel alio quesunque, scrutanda est.

necc. 1%.

Rei persecutorde, poenales, mixta (5. 2. 16. Instit. de action b.), quoties rem lipsam persequimur, ve poenam injung reo cupmus, vel dirumque petimus (Glii Comment. IV. 6 - 9.).

^{3.} Actiones opino, quae ex legibre deri-

e vantur, et incremente qui de Luido practoro priuntur. 3) vanjur I. 01. 199 in jure ipo, diles, quae acquitate rel utilitate, nituatur.

simis temporibus obtinuit Romae, debere esse actiones vel civiles, quas iudex stricte observet, vel arbitrarias, quas ex arbitrio suo decidat, sive dicem instruebat; vel ex actione civili judicare cum jubebat vel ex arbitrio, addita formula: Quantum aequius, melius iudica; vel: ut inter bonos bene ogi oportet (cf. Cicero pro Rosc. Comoedo cap. 4. de Off. III. 15. 17. Topicor. cap. 17. Seneca de Benef. III. 7. §. 28. 30. Inst. de Actionib.). Differt autem haec actio quam maxime ab actione

5) De his ita Gajus dicit (Comment. IV. 11 -- 12.): Actiones, quas in usu veteres habuerunt, legis actiones appellabantur, vel ideo quod legibus proditae erant, quia tunc edicta praetoris, quibus complures actiones introductae suut nondum in usu habebautur; vel ideo quia ipsarum legum verbis accomodatae erant, et ideo immutabiles proinde atque leges observabantur; unde eum, qui de vitibus succisis ita egisset, ut in actione vites nominaret, responsum fuit, rem perdidisse, quia debuisset arbores nominare eo, quod lex XII. tabular, ex quo de vitibus succisis actio competeret, generaliter de arboribus succisis loqueretur. Lege autem agebatur modis quinque: sacrameuto; per judicis postulationem; per condictionem; per manus injectionem; per piguoris captionem.

favormentum tor famo w hanga, hlires flwing fawiai winning byty, na hang iereki hlire junga, w when our fato an wir bufin too. Mygnywaigey office rat fivois reji. (Navro de hit.

E la narquato sie cerlum, ful co sie, naterato ex sege, romunois formaluie opilaney, luf re lido miat neur nuis ber sylutu, fine caufa, a nadewhypho byto lo certam, gorie contrarium judicium (exceptiones) rachadrio nie mogty.

Porcedura persona wheyeve byto burish provide following to lego, ory forana rachodità o men pewnoz, protegio manto (in certam). Santo naterato to forigo (index); to to alita, api topriego mie protug programa (certam), albo o nen. telorez toedostana ni talmo pravide propego pravide provide provide presidente de forigo (index); to to alita, api topriego mie putting presidente adistace en donordal pewnych; nie pospednito wofficiarii prava presidente adistace en donordal pewnych; nie pospednito wofficiarii prava miest adistace en donordal pewnych; nie pospednito, saf ten whomas zampe miest to, interior of to adistace woli ofoto receiving melias. Saf ten whomas zampe miest stag influtioni sone, of prochora, e racineral toorbande in opinity formy, less teste solventione un ficiri pembenge i dato deline so substitute cumium prochora pour procepuice in opinit flory ming ou sitati solventi se manical solventi se mais solventi se manical solventi se solventi se

* folicia mucial eig einele trymai pregisarey mu ad quetra sormuty, libra ierele eig chazeta niedepakernie, lo lein samem preher seguiname purtug arbitaium sormuty, lova ierele eig chazeta niedepakernie, lo lein samem preher seguiname purtug arbitaium sormum, ale iodanat oraz est tim bona, anantum equing meling.

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Eld in ic. I light culic profugits ocibis, blives whenes ich eig read radustita, lindy civile regolium byto ifbolise omnour islainy sui reference in refusion for muta nie into sie, refroques, persion wife ofoloog florgs propular mucial, they warmen in labore in facture civilize.

Fronzelle lo Priato iz na mory filosofi ich levar wieny i Gaia IV. 36.37.

more let, nie betio ubilis verywai in more, ale lawre bireta i in factum. Jereli nop. wnopher fliarge a prelor nie bytho re provie is competit, in natio wing gain in nod vewner metrole, who is raise in jevener a reprince which wing in pewner metrole, whose of jevener a reprince which is read actional toward in pewner members by the interpretation of read actional toward is seen manner, in which with a will a few in the formation of the willing a seem manner, in which the interpretation is a will a few in the formation of the willing and the semilar explanate petrician, which are one per radio a rebughty which was a will be to will be the formation of the format

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poling torny a lawney wredwise megiciancy, but in domaga a new proving by witing torny a lawney wredwise megiciancy, by willing torny nowhey. The sing dogwninat poling torny dewnierfacy, dochorist practice cells poincear, organice sprawied won's botta na planne icyo, that william poling progrifu prawa domagat ing Gain, w my horonym my htadie. - hto poling nowhey formy, nie wowiet w pradrie tyle, formalywin, len nie lake wiella byta prewnin na stronie iego. ny poradany shuleho ner wornie; ponewar preter dornolit mu ny nambrie Do magar ing o vær juviog, len læfris dogien bochorist, bloma stufnoris-Ma toword, re maigre blo stufpnes sprawe upper legis arliv, staniet galundo hannys kløry prymie pia gain. - Lange ing more propadelo, na kløy nie soprage bybling po who y magnifar, len delle de abelier me in rape forma (mp. o Code Nagur. de Abfendia), mally lumiana rouie sie directa, lut toda rouis in preliorie en justo et ague, a resto radiorie e melio me allo rouis en propo et ague, a resto radiorie e melio me a melio e melio e me a melio rema portura e para (ex age) a oporque.

As 104. Mr 9.7 I slorni sie alio b. f. od urmienioney alio ulilis; noniewar, meter nie mugaje najem na medie inclest' monora in færanie Jobie med planio ney le shangi in synumie to diemu sprang, der ranego wringlin, re not sie sprana rouse byst stopma, (boby w ter nay hake auto meta ie while) abolien areby week of the forma, oling Dania puego (ex arbibio) pormolit na dolfre hierowanie franklich tempora which, blood arypada odromie of alio arbibraia, pred festien devolupe (arbibra). my promure morna, la rego il var ina micy her. And vie le autionet mie, raisfigues it. A. C. D. p 151.) for 5.16. J. al kg. etquil. 4x.53. D. a leg. etquil. pr. m. D. De ferro correct goals

grador you if at feet i put the of information atilis flut in pafund, for fagure

pir ve fix (cf. 6. C. De granfett. 4x.11. D. pefer fresh.) afor fashinger in fitting chicks, I

take hersett siegest to being she spirition sus spiritula, a por bong sides fuir lite for in order is the rece. At ty ? touch in, it by to it is an drive in action of y . Trover The interpolation of the person of the contraction of the contractions of the contract " I de ver a ravat a patorio na funda rencie lub a analysisme viana equiluego. il i-

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. 20_ lob è I hui ins fibi alignur comprehere apent, confessoria, qui negat, negatoria agit adione, nihil curang ex pervilute ner ne int illus emanet, modo de pervilute omnino controversia moveatur. Velilio vel negatio servitulis fundamentum est actionem haven, idque qualur his formulis innition, ch quivem I. Evilutem afferendo: A est mili ins in two (fervilors in paliendo), quia mili ervilutem deberg, b, non est libi int in two (jevorlut de non saciono) quia mili cervilatem deberg Winner igilar a hot probaidan actione contessoria et negatoria. Il servitulem negando: a) esta milio sur in mer (servitus de non graciendo quia tili pervilutem non debeo, 6, non est illi ins in mes (tervilus de patiendo) quia libi pervilutu non Jebev. y At gun purbandem alemer chiam confessoria et negativia achiene a fille fine gonery me where so preferring is pettern office of fifty (the state from). I set will not I Mounteur o Lihyach abbrevnier w Histor. p. 60. No power refer preter preter mer analo-gios ryli podobienjstovo, formatroni prawne n.p. iereli alo rawant luntralit poding poregifio dr. 2 curorien cem, most len Ha rythu (wego rerwai len hondrall, Daiep ra jugerype, re nie napri pie, ani japrinym byd' more justug prama Br. Bon's nie miegt go planyi pner aulio whilis, posiewar da naterata do povedung br. gdy su sprawa byta z awroriem cem. Trochor wier brato Judobien fluo prawne, i famey ranhodrapey nymoni, utnymings ir princewar syllo forma me whofflow flowwine, re happine stormez, i bastin due sprawag ex june gent. n. p. w thy purlary out. I harbori tabre virnica might achie a might Lormula. The vary pragulat power areby proeff iego nie Tugo sraat, whillwein myhtadat cety plan sprany domag nieg ieg neby portug lego pretor ofaprit, her udielais men a to ra-dychniagh; musiet niege powod 1, ohorai ich eig nar ma (demonstratio) 2, nego rada (in lendio) 3, noflegunato prografianie of prer pretire un prer legingo 4, pharanie obvisionezo (underamakio). Thorum ig re precional ne to whyther mythat co joined who sit from financy fait foright by from the formals, but fine from the formals of horony, nie ar thorasy, n. p. flewion friends we new mois ieft, puter with thereony with a series of horony. write theorony lowater I igo. lego to jus protor, no ma . " wietem, til to lego a prator na fundamenia interpres the Irnsivi planovit. Te rednah lah planowione, eyelo ad analogiam juris vivilis wprowas roxem regto, int with all ato in the flictum jus, i the do bego indica, ration with the ory, this ogstud naryvai is moma. Irregoluie var voruniemy nod achte rebisvario, to a ma ra per propane bonum et aquum, a wymier renie prawied i wou i postug legos bonum et aquum, or protunent Jamego Jedriago lery, plat ièz habre narywaig autiones ex vono et aque pr. 14. 5.6. d. de religios. - The narywaioz eig wiet de arlivnes in factum pratorie, blove sa inlying fundament maioz Eventefferir vel regatoria wirtur, quia rembamentum perilionis

eins assisti, increa ca ch propari popul ch propari decent.

lurd i sent this waier actionibus tonimus prochi fervienlis, quia hos sembamentum negativum est procesus.

lutem non compribulam

ram a limby in them you fall a now in the denotation of I. The Ekenberg !

2 (w. E. 1. Con. II.) ació uniciporia, negativia; el. Heinecc. W. E. 2.72. -19. E. 11 - 25. Heinecc. W. 12. E. 10-2.

Jalio confessoria, negativia;

Ja vindicanis rebus incorporalibus non solum activimatione linebal intendere, sen el negativo vica ació libi jus res vindicare subserant contra alterius esperationem. Substituant Jerviana, rev e icam suffeso vagina, Jamus, injuria, rei persecutivia omnis in rem activi puenchi; subi non rem ser metaticio (xunto, te libre un rey supmienione rospaty persecuti. (30. 40. annos). preservis annos, non multi chiam perse lund.

Hafrois, bage to zuohrewrione cum Velicto, byte latie libergel profpanz delik nie ich fans p 190)

La Curriem take very nafrey o formulan, sin in prefanch to actions? Tauner conta which juis metata mier formula pewag, his some cone, pharge, cayle to randorist quer de jure ay de parto, formula, sewna, obrestat prator, of Joint is not regrot leaving. Samle necessary is for mise in jus conegle, to in parties corregies. A ratein correct in wis saids joing holy " winey resonanger. - ing actiones over in couriey obtraty to jus gentium offigquier a scrityh grapi ion Fournego grana, vornica rachotrita miejry sormula: actio, oslad sormula byt fam. actioned preficiply vertis E Amanys Jaun Jackem conventionitus arliones difbuille colores, ne pilibus immorius, pontan Doniburgs abunden civilar, exceptionibus lantum xiomafe et horesta cupiscung, voluntati, seli gioni et fidet reliquite, falis anglet. Masis deinie massey, exuella Roma somm guisquedantia, juing wronget ti hunt gewigete, abi notio guiden autignorum bono fidei judiciorum hand adef-fet, for finiti ende santum, adionem at exemplem nomi natarum actionum ex bono at Gars Colig. 1 142. 170. - Bickell de pacavio Marbuy) p 8. Emu, ormen't aretor iahi rosal havagy rower to grany n. p. se thany a spires areh. to in narywata is to sei sormuty Gemonstratio: iaky libre gretenty of ratitais intensis: iak whie ma whapir ighis wany afrom in very windicales: ich nationier in wherianier obvisionego oriennatio. Purnity ig dem sormula in jus concepte. It sormule in factum concept is in tambook have intenditio rianguate, re sharrapy grantice hoose warmen an just his telle re ileher vary substate its re siavrapy tatifryway port temorphouses two intends, sprawa mainta: procionic in factum concepts be to hociarby but tatifrywie worth : morphowy , he is fam / Robin , iale father Dochotrary purposent & ins 1v. 50. 60. - nauto fame formule in in concepte drietity us na talie, pour libre dochoditiony incertain, inne pour

Where certuin.

E.g. quid legis aclimes et quanam evant

arbitraria, quae tune adest quoties judex parti- no po w hompount fie. bus arbitri fungitur. Quo casu licuit damnato sententiam judicis respuere modo poenam compromissam solverit, atque judicium instituere (§. 31. Inst. de actionibus). His adnumerari possunt fictiones (quas Heineccium odio prosequutum scimus). Intelligimus fictiones eas formulas, quibus pecuniam aut rem aliquam nohis dari oportere intendimus, quasque scimus sua vi ac potestate non valere; aut quibus is cui justa causa agendi est, ob conditionem suam (v. c. peregrinus) agere non potest (cf. Gaii Comment. IV. 32. - 39.). Nec minus referendae sunt hic formulae quibus in persequenda re utimur. Earum partes sunt 1, demonstratio, qua demonstratur res de que agitur. 2, intentio, qua actor desiderium suum concludit. 3, adjudicatio, qua permittitur judici rem alicui ex litigatoribus adjudicare. 4, condemnatio, qua judici condemnandi absolvendive potestas permittitur (Gaii Comment. IV. 39. - 45.). Formulae in quibus de jure quaeritur, in jus conceptae Il muist find lang vindex. vocantur, (si v. c. intendimus nostrum esse aliquid ex jure Quiritium); ceterae in factum conceptae vocantur (Gaii Comment IV. 45 - 53.). A figure non from a la fortura

probandi; quod nonnanquam actori, nonnunquam no to interior, liedy obydrie flus per injunction, nonnunquam reconstruction of the contraction of th

rea injungitur, prout res incidit. Probatam can- fine by office on Arywagis proceju o vzecz nolegaiogczy na zajadach prawa 15 cywilnego, zawi nato cią na od legis actioner, z 616 wyl Gains rick anylava IV. 12. 2 lych Tire l.i. p manus in inchienem, p signores coquienem, ranguating ich a nat procest tumayany, varar la excelle ye pay he wowanot Tourament alie mywano of whyselich ryunveir, To betough me byly wrytem inne 10gis actiones. Lowering very valorency; zeby in z nim ratoryt o pewny lume re priegra. Fretor harat Haven myg flumous: jurniey viswano providenio i repii sulationis, ber danie hausi (21 des). Gozeli reve buta wasta lovo ages, lub virgey, planians lami 500 affes: iereli mi ey lyche 50. affes. i lyler iereli peta kwessyn · wohner, weby agenteries me warngain is bromio. When natherwat weeff, ich w windy Langi frient 14-19-100. Per judicis populationen, hiely proeflicy somingwhy planienie Kannyi,

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sam reus vel oprnino negat, vel rem concedens eam excipit, sive exceptione utitur. Si id facit, tune reo prehanda uctio est, negantis enim nulla probatio. Si recte consideramus exceptionem, non videbitur differre a fictione; quoniam excipiendo reus fingit nullum jus adversario esse (pr. et S. 1. Inst. De Except.). Praetor itaque quoties judicem instruebat hac formula (quam judex egredinon potuit. Gaii Comment. IV. 57.), id solebat facere: Si paret condemna (J. e. s. p c. s. n. p. a. judex esto, si paret condemna; si non paret, absolve) id est si nullam vel injustam exceptionem reus opponere videbitur. Hoc appellabatur judicium cum exceptione et differrebat quam maxime ab judicio puro sive tali in quo Praetor exceptionem sive praescriptionem (nam verba haec synonyma sunt) non admittebat (Cicero de Invent. II. 20.). Dividuntur exceptiones in temporales, dilatorias, perpetuas el peremptorias. (cf. Gajus in Comment. IV. 120 - 126. Brissonius s. h. v.). Non prohibetur autem actor exceptioni a reo oppositae suam opponere, quod appellabatur replicatio (Gaius in Comment IV. 126.). Nihilominus tamen etiam ille excipere potuit, et hoc duplicatio vocabatur. Si tertio adhibita erat exceptio, vocabatur triplicatio; quarum omnium adjectionum usum interdum etiam ulterius, quam diximus, varie,

E. S. Jumma exceptionem Pivilje Hei-

Fr. pri ereli doviednik, re lubo
Pat prawo mykluwania re
lwey very, jurniey iednaho
jurer ugutez, ie mu tego
jurawa ophrwny upporpit.

5. H.

4.11. quis agit quis excipit conform zexeplienes quanto refum obtinuerunt. Heinecc. IV.

Frank prawo two traje eig, rafabra sie na esistem doctor rein mes esisezo, sivego vannosi esiaga eig 1, na sprawa isti est prawa soniciona de sie ur energy cos sain meser no natrema, ny ma perete severo rivoga mistropaise sprawa ujeda, na mistroline estare pero rainosti supe peuno ornanonem. In sestia, lo afrie sistem mora moi mostisie inne ourismoni upadat mutra. Mosioneste meserun no observarie exequeste, natera ore se novorum catom oblast mos que peis tum sis, moraleto inne parismon si na aquam comun. In moiso nei secur eff. Ille 12 a procephine Gains IV. 100. — The ray propulprano exequesta naquato contra sina judicium.

19.6. de repleatantes et Tuplicat. Heineco. W. 19.14. 4.2-5.

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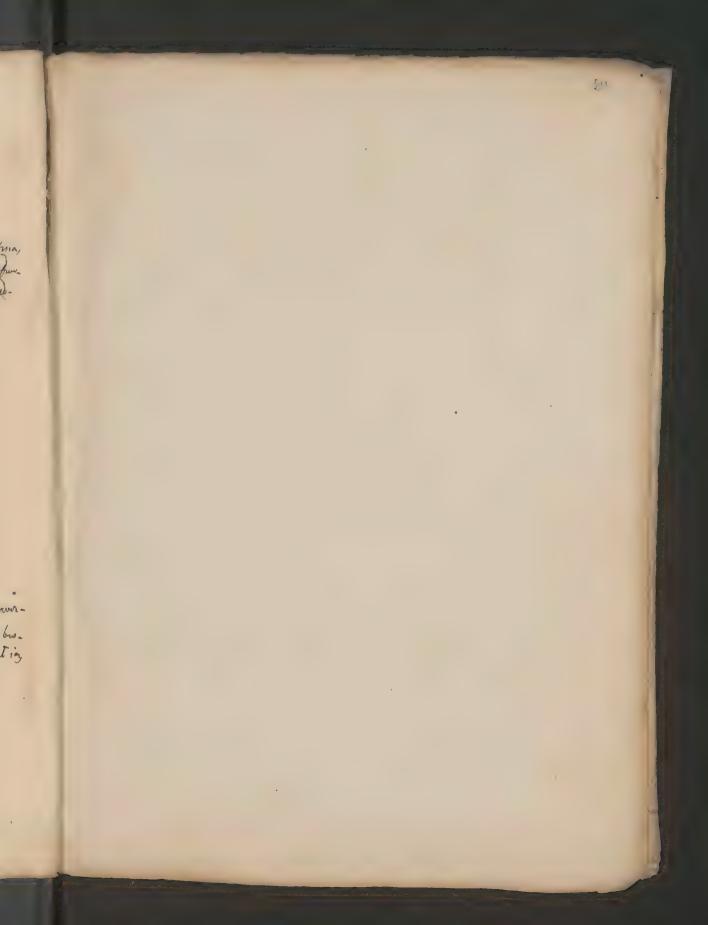
t' まっているだ I. o o r ‡ n.p. iereti kogo prymusitem to rawavia obligacyi, mogtem utnymywać re lubo nev skata ile prover premoi, iednahre stropruvii iest ne morey stronie, gdyr preciwnity reruvlit, maigr nybor niegby ospiratoreniam sucy uvoli, a poniesieniem solvory.

In presente semperation dilatoria, iereli ociagan sia a massem moiem provinciar la se emplosibile la la relia de mana france provincia de la mana moiem provincia de la mana menta de mana menta menta men provincia mana menta menta menta menta mana presenta menta me

Lixepya perjetua i perengitoria when was rachodzi, hiora sie hardego momentu i na nievne vafy bownie moge n.p. iereli mnie lilo pospest pospepem, moges perpetuo, cirefe pawiai exceptionem doli. Ta exceptya ciarte obala, crypi ni frung prawo preciorii ka (perimit). Exceptya dilatoryina rachodzi whenvar, hiery prado vrafu pewnerp moges lie bronie tos exceptyos. Jereli n.p. rafeta umorova a rebym nie pociazat do fabre preciornila mego w pewnym verfic. Temporalis exc.
voima ie exceptyi perempt. poniewar stary ar lo nafu frairii osparroneme (fr. 32. d. le repipe.

Wolne byte na miey see flavienia haungi re fgrana iest stuffena, swied has pushawie blong pupirad raise sprane, downtril stuffen sei mey - otlat represent asharony eo jupo se swied house pewired ryse, obligament a namet i pulness, iego.

I hellieft refurmina, re redougte mu in fprawe: whoppropost power, ortoriet know r pourci worker re proporet prenight, lear na to downder nie miet, ofhenous, blory ing lein broci worker re proporet prenight, lear na to downder nie miet, ofhenous, blory ing lein broci worker re proporet prenight, lear na to downder we flame of afrenia ley fyrraus, oddat in
int, many best ra ofmbaica. Gelliebt me bedage w flame of afrenia ley fyrraus, oddat in
innerm, prophegaine non liquet. To redoie na vringrame, na pirmie.



a ilis unistialis unofito ra mios smuraturios, ner liera, la unora, remania martino vorqueynano proseg. Lawrier savariat ciz most or legis actiones belowing winicines, is to certa received, witanoviene of dex Sicia, ich ilg doie, re but bylle Peremyonal planning of it nouse in a bein a when drin ragormai go rathe, mugt byt nower racornie florary.

tas IV.

(cf. app ptur gatu exse abso quer pera dami tio q trodi obtir mune appel inde in ha dex s que li verho Gelliu oco s

emper es jud ali ju

tas negotiorum introduxit (Gajus in Comment. IV. 129.).

Praeter haec deciditur inter actorem et reum 4.1. de lite contestatione cujus originem ignoramus 1, Litis contestatione cujus originem ignoramus (cf. Dacerius ad Festum s. v. contestari); quae appellatur eliam judicium acceptum vel susceptum. Post litem cotestatam manebat reus obligatus quasi ex contractu, quod et heredes ejus exsolvere tenebantur. Litis contestatio ut paucis absolvam erat actus solemnis, isque ultimus, quem Praetor postquam introduxerat causam, peragebat. In jure recentiori mutatum hoc quodammodo est; nam appellabatur Litis contestatio quaelibet declaratio actori de causa quam introduxerat. 2. Re judicata. Libera republica 5.2. de re indicata. obtinebat, ut quicquid judex jussu Praetoris propunciavisset ratum haberetur. Non licuit itaque appellare ad populum, sententiaque judicis proinde valebat atque judicium. Quid Imperatores in hac causa innovaverunt supra diximus. Judex semper tenebatur sententiam proferre, neque licuit ei, ut in judiciis publicis obtinuit, verbo non liquet litem a se removere. Nec obest Gellius (N. Att. XIV. 2.) cum obscurum hoc oco sit quomodo res sese habeat. Res judicata emper pro rata habebatur. Nec minus faciebat es judicata jus inter partes, excepto si de libeali judicio agebatur.

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Darowai.

Ejusdem valoris ac res judicata erat 1, jura 8.3. de mentum, quod reo ad se delatum licuit actor deferre sta, ut qui juraverit absolutus esset Alio more gerunt sè recentiores legislatores qui juramentum adhiberi volunt non ad rem dijudicandam, sed ad eam probandam, 2, con-1. M. de Fuchar fojuli nie jurgianoz, oju-fessio in jure, confessus enim pro judicato ha mine prous moie, magaze bysi betur. 3, interrogatione in jure creditoris a de fig. le bitore facta quid fieri velit, Si creditor edixera livotrey, pour puy bigs, whirerseque id ratihabiturum debitor affirmaverat, Twnem? 3. Areby lythe w lencras pro re judicata talis affirmatio valebat.

Denique admonendum est, fieri saepe ut jus wili iest donied rionem. I he niede guod habeo non semper in judicio adjuvetu nernie! So talie prypashi gsie familiae herciscundae, tet in Quaerela inosliciosi nay repropries pero spushar more Mic etiam referenda est in integrum restitutii 4.6. de (de qua Gajus in Comment. IV. 57. et illa quae supra ad legem Plaetoriam diximus, conferantur na raten uplustrenie własciwe, n.p. quae ut accidat intercedere debet laesio et justi causa ob quam videatur in integrum restituer dus esse laesus. Competit autem non so vie nie nure - Rinnier (jupta canta) ie lum impuberibus, sed etiam ex jure recention 1, ei qui abest rei publicae causa. 2, municipii de l'ajus dei re go chiez zabi, i nevy klose ma et universitatibus. 3, metu adactis ad obligation jony pobie Maie, Daie ingre ie duiet nem contrahendam. Praescribebatur anno util 4.7. de quae computatio temporis cum videretur in commoda, mutata fuit ab Justiniano in quadri ennium continuum.

Frie raberque venie ice pover do vod do odarania ishnietajeg obliganji. Gyr o ho rujetnie rle myslei vypada, i nie inaveg diatai i nim, iak na jismie! dojvevo w provie bujui nalney, zhia preciwna strong nawet poror tow -u Trudria?

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wo Dr. nie ineenia bynayminey wolnozie lardezo in Peterowaniu mysięgi, chonorby i d nayniegtra, fummę. The merancionym bejest o jubbie myslenia suigo preciwnika, samowskie
navara na slubbi lurywe pny iertwa, sam sobie winiou sulode smylisai; Brad ley iezo
olwini suesniał nie powinien. Nows: prawniny atmymia, 1, re nie potreka o neur
egatelne, pnysiegi pnympran, areby menutanai religii, pnysuspraige Mrywanie Migayr
ey gsto by. Jest bo bardo polubownie powiedriane, bo w iest kayasela, da bogasen nie
y de ubogiego. Jayr in nutava zstonie Naywyrspey, robies in spiadliem polny
ode, new 2 2, areby zysto w seu vas wolno byto pnysiągoń luidy innych dowodow nie
nasp. aler ile nie roma pny padlow, gdie morna mieł dowody inne (n.p. priodlow) seu
z shre wryt w sym momencie nie podobna n.p. gdy swiadlonie wyceckato z brain. Mamret
insu wyby in niebiiał regodni, re mu tyle odspajnie, lub re Bawi hawya, na dowod synairash wey swey sway.

Cooling lego laste vordrielanas byta fulueffya miesty wiele predendentow. Fluerel inoft.

Ingetomanyi by Hetria. Pochori z Epoli II. dea Pletoria, Erneft: Heinchey of rangeroway la prawo Lex detoria; preho ny wany ia ex Tabula Heracleey; re sia naywai porima Lex Pletoria. No pomina lez lex Plaulus, w homedy: Pfeudo-lus Aht I. 16. 2. Who y umant v. 570. of 2. M. Imioreta to lego arely petro-lus nie byli ofruhi wanemi. Petro elnori byte, w do hobiet lat 12. postua Prawa stumy, arely major rawrefo must do postupen pua progranaial fuos romes. Co do List is maporym lat 14. oblad mugh ramierai luntra-lus postua programio nem byto re radna uponomi pris la mie bestie w pravie, robiones porer into dieno nie mais upo lat 25. Leo rawait luntrallo, 2 notocien cemo mies pra linka lat mais upo lat 25. Leo rawait luntrallo, 2 notocien cemo mies pra linka lat mais upo pri phawat in inxania.

Flachuba vapu w prawie Rr. byta dwoigha naturalis: civilis, with continua: ulitis. No rachubie vafu naturalis rachowano a momento ad momentum; w rachubie vafu civilis nie ti vrono dres nefapti zello fapti. Vnymenim met re who cahi niet 100 dres nefapti, mypadato z naflegenezo rohu dolivazi talog ti vlaz dri. - Juffy mian wiej purnimear la byto ramiefrance, whyflow ramienit na rachube naturalne, naharmies ir w nie dawnies ti unto prer lata cywilne, bevar prer lata naturalne, z dodalhien, weby ceden who cywilny obeymwat w lobie when naturalne. gai, re nie z przypy dolunenia preiswiliani, prosest prawy projeuje the majas tym tytu zela dojuce po juliu reniu prosesti, pometh planji morne to to to to to the majorato astumine gwat some, let specificato sing re estos ophanet mie s polunaranie gwat some, let specificato fing re estos ophanet mie s polunaranie gwat some, let specificato nary at iez julium contrarium. - Objeto any may to ste ophanet, we so sprawy, nesterpulara, shira privit len, living pregnet

there is in it is prehenal liping a planie very fr. 10. pr. S. II. 13. fr. 4. 5.1. J.

II. 13. Jupymian whamist (him is western me may his ing white repetit. predect.

ten ey the w Bongli Kal shap is wystemanyt ne taking Cujayup Ob X. O.) ze

wolve shany mylestem bardey, a brown byteby sugaries se ma papiery islie

ny harai sprawe, mogace, areby to papiery mydat (edere); be, mowi, guflynian

bal lare mitori birniero (areby gu prymuspaí?)! Argialel ma byt, hiely

lahi do word jemu samemu solutric mwgoz lub brownym iego, w teneras nie ma

byth ricewolonym, dwiarty byt; bantierem. - Jest to wietha nie prawiedli wie ! Bo

cho ciar switnag Teoryi mome smymusic kow reby w satie siradnyt, iednaho iest wieth

rornica miestry mowo, a spismem. Momie syllw to co sw treba to sprawy; bro za's

sposiery more spresada, more nie syllw neterage to sprawy levz; inne, po nie war sie,

whysthie rorem spievrezhing!

Jepeli Janen Hantet,

M. S. 1. D.

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Nu zas iewor iie, ivrelo blo provodi proces, a nie prochona muie co ni redat, nevarany ieth, iah gdyby iedynie dla fluyuirenio stany mirey, processorat sig: namet chociarby don'odt ir byt no mniemania dobrem, n.p. de kurto iah myrorinie miri Gains IV. 170. Taka hara nonywata sig pana calumid. Pereli mi robet process beyminalny a nie bon'odt, oftony byt bersany.

4.7. Se assione as estendum.

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229 4.9. Se poeua temena liligantium Heiner. priva- W. 16. E. 1. - 5.

In p. faliand blibbing.

Hoc modo et his actionibus judicia privata fiebant. Si apparuerunt actor et reus temere litigasse, calumnia eorum coercebatur, modo calumniae judicio, modo contrario, modo jurejurando, modo restipulatione. Calumniae iudicium est decimae partis causae adversus omnes actiones adversus, Interdicta vero quartae partis causae. Contrarium judicium (v. c. si injuriarum agatur) severius est, nam actor omnimodo damnatur, si causam non tenuerit. Restipulationis etiam poena actor omnimodo damnatur (cf. Gaii Comment. IV. 174. — 187.).

Mypada iefere dodah (com opusit w Kongandyum) ny powod rasar pny uglanji ofhanonego powinien obmaymic, nashi ngdadi ofhanonema powody ofhanenia? Tak ieft, areby iig sen (sawiez pnelwonat o ico stuficioni ofhanony i davemnic nie pnowewist princesse. Preciamie nie byt okoniarany proced cure icem processe uniental ospersony myny nez upravioli inieria iiz, nyiazwhy cereti urywat excepyje w sen nar rew probat adionem (kr. 1. pr. d. 44. 1.). Iswu ofhanona obowiarana ieft sabre: w sym pry padbu urywa papieny swie do-wortage sau sprawy liedy procest rachosti międry bankierem a prywatnym. Jereli bankieromi raging sklieji handowe, more radai kung ny orlow; dochodno od obywasela r khonyeby swie spiezi handowe urupelnit, wrumi ieg od taliego z khonyeby swie spiezi handowe urupelnit, wrumi ieg od taliego z khonyeby swie spiezi handowe urupelnit, wrumi ieg od taliego z khonyeby swie spiezi tandow twie, must wrati uroda oshovomy spiezi z khonyebym ieg puchonat grie obiocit pieniose. Mage prior sepo skanyi nawat; treing ofo bez s skiony v rawat; treing ofo

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PARS I.

De Jure rerum.
Infl. I. 1. 8.1-10.7 Gaius II. 8.1-28. Vilpian.
XIX. 8.1. C. A. P. U. T. HI.

Rea quid sit et quamodo dividitur? Holivnes Jumma de verum Fivilionibus varing Omne jus secundum distinctionem Romanorum aut circa personas aut circa res agit. Personam Romani dicebant : hominen jura val vita civili raudentem, danibusqua commodis quae inde proveniant. Non quilibet itaque homo secundum opinionem Romanorum persona votatur Quod juri personarum substratum est, Res a JCtis Roman. vocabatur, quae est vel anima vel inanima. Ad has numerabautur servi publico et privato jure destituti. Nomen itaque rei longissime patere ex definitione nostra videmus. Transcendit enim omnia vocabula, ita ut vix definiri queat. Res enim pecuniam, substantiam, bona, et quicquid in patrimonio nostro vel extra illud sit, et personis aut actionibus non adnumeratur, ambitu suo comprehendit (fr. 5. D. V. S.). Ludrie why fry & Dividuntur autem res in:

I. Mobiles et immobiles. Mobilis res diceba-

· 400

The hardey nevy rwaragmy no to wieth charaktery fly rem; to hem i'le pylagmy ich nevy potrietoneme byth powermy, nie iako fez: bo rozmaioi romie purtietaia n.p. Myrian i'aut de humanis competere. Sivinis, at de lois facris i nel le lois religioses. De redus home and punt nulling, the funt likero personal; and de his guid funt nulling and publica, and singulorum; and likero personal; and alicums, he fund and publica, and singulorum; and likero pullone singulorum funt alicums, he fund and perhinent: aut ai fingulorum funt; and ai aninegholam

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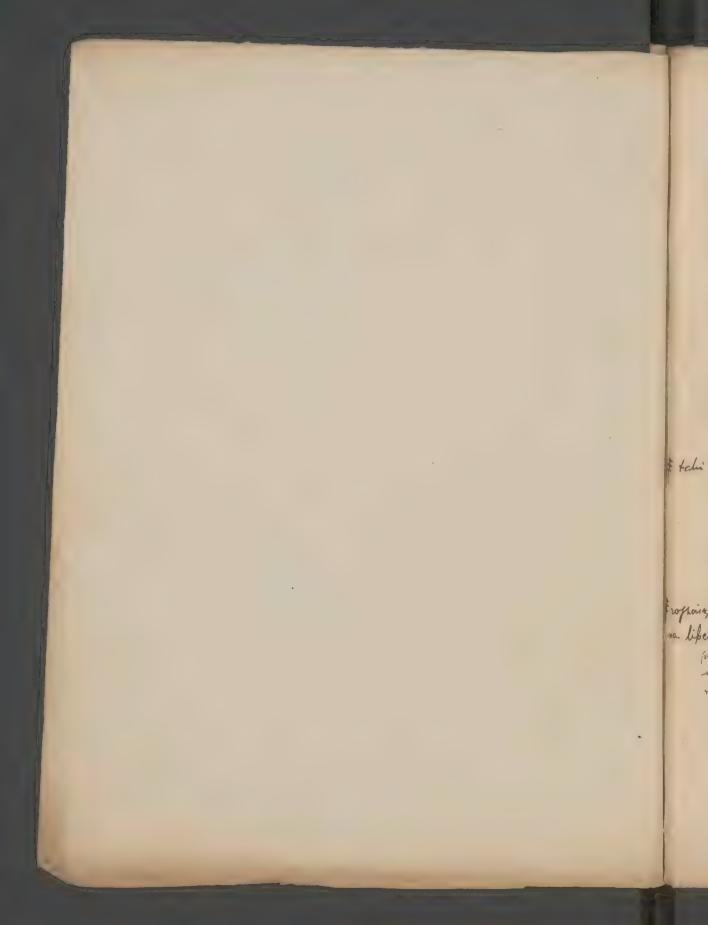
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* taki ieth podriat ogolny prieklow prawa Dr.

roppoisege pur notadraz jednego narywaja eie w prawie Dr. Lamilia. i rnome driela sieg na libews: Jervos, liberi wier byli nolnemi, drieum pana Lamilia. - Res mero haultalis put iura naturali rel civili lege notis reburg nopsieg dribata, ut indem in commodum nopsum uti, upum in termittere et prout utilitas fusfeit, moderari possimus. Circa tria obieta inprimis occupantur, ses communes et publicas, res universitatis, res singulorum.

Floranieli Rym. pour pyentiuis tal paierchnia pamas, icho i lo a nas povierchnia igh.

I W nieklørgeho raarlo, nie nie behodi us oddards neur in frecie, odbresams in genere, n. p. iereli porgues home u 5. th. a odda mi u 2 th. nie nie pladri, genere, n. p. iereli porgues home beerke wines byle sen four hurs rachotrit. Leur iereli porgues hurme beerke wines byle sen four hurs rachotri valegi z who 1011, a on mi odda rownier heurke z v. 1015. rachotri malay z who natury foroies niehlere z tylo vreny fraurine odnieno mi ce. - a do natury foroies niehlere z tylo vreny fraurine odnieniaies foron warlori valence northyning n. p. priesiegle.

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Creminal. Juterdiction of good i julice non in persetuin, sed so Etto genera poenerum in legibus condineri reformando momento ad tempus interim dicitus: falva pronofitione retionis ejus. Isidos V-25. Tullius firibit, sal. Pannum, vincula, verbera, Lelionem, ignominiam, expilium, fervitutem et mortem Joil. V. 27. -- in ordinam dicebantur couls propher mublidudinem, vel tamultum festinantium, quam erat annus-litium Juvenal \$6.42. (Serving Acn. 111.102. -- post habitan gnossionem in Tullianum av ulti-mum supplicium mittebantur Serving Acn. VI. 723. ina ruic ne

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tur a Romanis, quae terrae non cohaereat, quaeque nisi in possessione vel dominio unius esse potnit. Omnis itaque superficies res immobilis est; nec minus id quod in terra defossum jacet, vocatur res, quia arcte cum solo coalescere putatur.

II. Fungibiles et infungiles. Utraque hace vox barbara est, nec Romanis nota, quia ab Ulrico Zasio saeculo XVI. excogitata. Romani tales res dicunt a eas quae numoro, mensura et pondere, sive eas quae in genere et specie sua consistunt (Gaii Comment. III. 90.). Quid autem species sit, omnibus notum. Addendum est, inveniri res quarum genus solum et quantitatem respicimus, nec minus tales, quae genere solum et specie consistunt. I glal n. p. whella pullodrapa Illis adnumerari omnes res possunt quae numero nen, 2 atowner neur iep mensura et specie consistunt; his vero quae licet species n.p. myrila moneta pondere vel mensura consistant, in usum versa formam suam ammittunt. Si enim v. c. rem esui vel potui aptam consumimus, speciem suam mutat; si contra nummos, tune etsi consumpti a nobis erunt, ita ut consumi solent, candem speciem et idem genus (servabunt.

III. Dividuae et individuae ; Tres dividuae sunt quae etsi in minutissimas partes dissectae erunt speciem suam et genus servabunt. Individuae contra illae, quas si diviseris, naturam suam mutant v. c. animal. Res ejuscemodi partes divisae. vel indivisae esse possunt, sive tales quas duo in

Tra prysitaly upine gains: pecunia numerata, visum, olem frumentum, os, argentum. 5 2th. iela genus, 200 2 rtt. i.p.) igh freies.

I krany 1, doingse sig provise. pod vielnie, albo nie podnielnie.

quae etsi natura sua dividi non potest, tamen si a plurimis inhabitatur, in tot partes divisa putabitur a quot incolis inhabitata est, quarum partium singulas duo in solidum possidere nequibunt. Posset aliquis obijcere inveniri res, v. c. eas quae in communione bonorum sunt, a duobus possessas. Quod tamen minime contradicit, cum eo momento, quo alter earum rerum possessione fruatur, alterum a possessione illarum excludi necesse sit. Sunt denique res quae omnino dividi non possunt, v. c. servitutes, de quibus postea videbimus, quee ab uno solum possidentur.

IV. Simplices et compositae. Sunt praeterea res que etsi unam componere videntur, tamen, si adcurate omnia perpendimus, non simplices, sed ex variis compositae esse adparebunt, v. c. complexus librorum, vulgo bibliotheca dictus; nec minus haereditas ad hoc genus rerum pertinet, quae etsi, ipsa per se spectata, unam rem componere videtur, tamen ex plurimis composita est. Nonnulli hisce rebus fructus quos percipere solemus, adnumerant. Omne autem id fructus adpellamus quod ex quacunque re in utilitatem nostram cedit, sive ex re animata sive inanimata v. c. animalis fructus sunt: lana, pili, lac, foetus. Dividuntur fructus in pendentes, sive eos. qui arbori cohaerent, qui res futurae, dicuntur;

n si utaparunt.

eas obus cum ione ludi

livistea

erea nen, ices, v. c. lus; erti-

osircifruiitaanilac, eos

ur;

100

Pars ima De jus actionum.

Caput 1: april quet et quemoto in intècie agrétatur.

4. 1. julicionum privato um natura ; actor, reur

4. 2. judicia extraordinaire quomodo et quando haberi debebout p. 127.

4.3. alia registino untifrabant indicio, alia impenio continchanter p. 127.

5.4. indicia ordinaria qui habebant p. 120.

4.4. qui et quomodo in int vocari pole.

al quid per leges xu. Tat. de hat re crypi hun dem est fibil ?

by quid per soits justor. (itis)

4.6. Agelectur in indicio; vel of per vindicat. (de liberali judio.) p. 219.

by per condictionem pres.

4.7. entra ordinem cognobebat prator
af nel in popphionem mittendo p.221.
les vel in legeum restituendo (ibid)
es vel in herdicendo (ibid).

4.0. De his qui in provincing judicis exerce.

4.9. ord indicome privatorum cum extraordenariis cogni die nibut com utalut put Jug.

Caput II. que mode actor agabat, que mode reur

4.1. actio quid et que mode de viditur
a) est vel in rem vel in perforam pressy

le phisi juit bous file p. 224.

4 insiling inanis a directa, in faction, propose.

P, arlivnes preto ité, arlivnes arbitras. (18), e, arliv confessoria, negato ité. Dubliciana l'erviana. Achivnes es moleficio sust vel rei persecutorio, prendes, vel misto, achivnes perpetuo, temperas.

4.2. quid est formula at que est parlat p. 225.

4.9. quid legit arlienes et quenam erant fibil.

4. 4. quit agit quit excipit : exceptiones quando afun obtinuerant p. 226.

4.5. Juma exeptionum Divijio p. 226.

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5.1. de litis conteste - 10-227.

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4.9. De juramente 1.221.

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ruoferia fr.n. 5.2. d. qui portiores in jugn. r. (ili) furt purion. ue-

